

BEFORE THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY

IN THE MATTER OF:)	Case Nos.: DO-16-0250A
)	
BRYAN MCCONNELL, D.O.)	FINDINGS OF FACT,
Holder of License No. 005382)	CONCLUSIONS OF LAW, AND
)	ORDER FOR DECREE OF CENSURE AND CIVIL
)	PENALTY
For the practice of osteopathic medicine in)	
the State of Arizona)	

In November 2016, the Arizona Board of Osteopathic Examiners (hereafter "Board") received a license renewal application from Bryan McConnell, D.O. (herein after "Respondent"). He provided information on the renewal application that he had been disciplined by the Idaho Board of Medicine and that he had been arrested in Arizona in January of 2015.

The Board duly noticed an Investigative Hearing on this matter for June 17, 2017, which was continued to October 14, 2017, at Respondent's request. On October 14, 2017, Respondent appeared personally and on his own behalf for the Investigative Hearing.

After hearing testimony from the Respondent and considering the documents and evidence submitted, the Board voted to enter the following Findings of Fact, Conclusions of Law, and Order for a Decree of Censure and Civil Penalty.

JURISDICTIONAL STATEMENTS

1. The Board is empowered, pursuant to A.R.S. § 32-1800 *et seq.*, to regulate the practice of osteopathic medicine in the State of Arizona, and the conduct of the persons licensed, registered, or permitted to practice osteopathic medicine in the State of Arizona.

2. Respondent is the holder of License No. 005382 issued by the Board for the practice of osteopathic medicine in the State of Arizona.

FINDINGS OF FACT

1 3. On or about November 17, 2016, Respondent submitted an online license
2 renewal application to the Board. He noted a "yes" answer to the question that asks about
3 prior arrests. During this time period the Board received notice from an outside reporting
4 agency that Respondent entered into a Stipulation and Order with the Idaho Medical Board on
5 October 10, 2016 for failing to disclose the arrest in January 2015. In reviewing the Idaho
6 Order, the Board learned of another incident that occurred during a rotation in October 2010,
7 wherein Respondent was placed on probation by his post graduate program during his post
8 graduate training.

9 4. Specifically, in October 2010, during a rotation, Respondent was accused of
10 touching a Medical Assistant's buttocks. Respondent reports he was talking with staff one day
11 at lunch and he politely declined their offer of food, claiming he had already eaten. He claims
12 that he pointed to his mid-section while stating that he was "watching his figure." He reports
13 that he then pointed to one of the female medical assistants standing in front of him and lightly
14 touched her side. According to Respondent, the next thing he knew, the program director
15 called him to discuss the claim that he had touched someone's buttocks. He asserts that he was
16 wrongly accused but that specific rotation was terminated. He was assigned to another
17 location to complete his rotation, placed on probation and required to complete courses in
18 employment etiquette and harassment issues.

19 5. Respondent completed the courses and completed the rotation under another
20 physician.

21 6. Respondent was arrested in January 2015 for domestic violence after pushing
22 his adult stepdaughter. He advised the board that she was living with his wife and him while
23 she was recovering from a motorcycle accident. On the day in question, he became frustrated
24 with her unwillingness to help out with chores around the home. He admits pushing her and
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1 the police were called. As a result he was arrested and taken to jail. The judge dismissed all
2 charges later that day.

3 7. The Idaho Board of Medicine and Respondent entered into a Stipulation for
4 disciplinary action for a \$1,300 fine because Respondent failed to disclose the 2015 arrest for
5 domestic violence and the probation during his post graduate training. He accepted the
6 Stipulation and signed the Idaho agreement on October 10, 2016, but failed to disclose the
7 matter on his renewal form that he filed with the Arizona Osteopathic Board on November 17,
8 2016.

9 10 CONCLUSIONS OF LAW

11 8. The conduct described above is a violation of unprofessional conduct pursuant
12 to A.R.S. § 32-1854 (9), which states "Procuring, renewing or attempting to procure or renew a
13 license to practice osteopathic medicine by fraud or misrepresentation."

14 ORDER

15 Pursuant to the authority vested in the Board,

16 1. **IT IS HEREBY ORDERED** that the license of Bryan McConnell, D.O, holder of
17 osteopathic medical License number 005382 is issued a **DECREE OF CENSURE**.

18 2. **IT IS FURTHER ORDERED** that Respondent shall pay a five hundred dollar (\$500.00)
19 Civil Penalty to the Arizona Board of Osteopathic Examiners in Medicine and Surgery within
20 ninety (90) days of the effective date of this Order. The effective date of this Order is thirty-five
21 days after it is mailed to Respondent.
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ISSUED THIS 18th DAY OF OCTOBER, 2017.
ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY

By: Jenna Jones
Jenna Jones, Executive Director

NOTICE OF RIGHT TO REQUEST REVIEW OR REHEARING

Any party may request a rehearing or review of this matter pursuant to A.R.S. § 41-1092.09. The motion for rehearing or review must be filed with the Arizona Board of Osteopathic Examiners within thirty (30) days. If a party files a motion for review or rehearing, that motion must be based on at least one of the eight grounds for review or rehearing that are required under A.A.C. R4-22-108(D). Failure to file a motion for rehearing or review within 30 days has the effect of prohibiting judicial review of the Board's decision. Service of this order is effective five (5) days after date of mailing. A.R.S. § 41-1092.09(C). If a motion for rehearing or review is not filed, the Board's Order becomes effective thirty-five (35) days after it is mailed to Respondent.

Original "Findings of Fact, Conclusions of Law and Order for Decree of Censure and Civil Penalty" filed this 18th day of October, 2017 with:

Arizona Board of Osteopathic Examiners
In Medicine and Surgery
9535 East Doubletree Ranch Road
Scottsdale AZ 85258-5539

Copies of this "Findings of Fact, Conclusions of Law and Order for Decree of Censure and Civil Penalty" sent by certified mail, return receipt requested this 18th day of October, 2017 to:

Bryan McConnell, D.O.
Address of Record

1 and

2 Jeanne Galvin, AAG

3 Office of the Attorney General SGD/LES

4 1275 West Washington

5 Phoenix AZ 85007

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